

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7158**

**BILL NUMBER:** HB 1416

**NOTE PREPARED:** Jan 6, 2004

**BILL AMENDED:**

**SUBJECT:** Bureau of Motor Vehicles Documentation.

**FIRST AUTHOR:** Rep. Turner

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires the Bureau of Motor Vehicles (BMV) to require an applicant for a driver's license, a permit, or an identification card to present documentary evidence of citizenship or alien status. It makes it a Class D felony to commit fraud against the BMV, a Class D felony to possess a false document from the BMV, and a Class C felony to assist in a fraud against the BMV.

**Effective Date:** Upon passage; July 1, 2004.

**Explanation of State Expenditures:** This bill will add additional time for license branch staff to issue a driver's license, a permit, or an identification card. The specific fiscal impact is indeterminable. The funds affected are the Motor Vehicle Highway Account, which supports the BMV, and the State License Branch Fund, which supports the 170 license branches throughout the state.

*Penalty Provisions:* The bill provides for a Class C felony for assisting in a fraud against the BMV and a Class D felony for possessing a false document from or committing fraud against the BMV. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances, while a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years, while the average length of stay for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Penalty Provisions:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine

for both a Class C felony and a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *Penalty Provisions:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** *Penalty Provisions:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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